

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

EDWARD HOLLINS, <i>et. al</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 13-CV-01200-DGK
)	Jury Trial Demanded
BRYAN GREGORY, <i>et. al</i> ,)	
)	
Defendants.)	

DEFENDANT OFFICER MICHAEL BAKER’S ANSWER

Defendant Michael Baker answers Plaintiff’s “Petition” as follows. Any averment of fact contained in the “Petition,” not specifically admitted herein, is denied.

1. The averments contained in paragraph 1 are legal conclusions concerning Plaintiff’s claims requiring no response by Defendant. To the extent a response is required, denied.
2. The averments contained in paragraph 2 are unknown to Defendant and he cannot admit or deny. To the extent a response is required, Defendant denies.
3. The averments contained in paragraph 3 are unknown to Defendant and he cannot admit or deny. To the extent a response is required, Defendant denies.

4. The averments contained in paragraph 4 are unknown to Defendant and he cannot admit or deny. To the extent a response is required, Defendant denies.

5. Admit.

6. Admit that on or about October 28, 2008, the Hollins were in their apartment when Defendant entered. Deny the remaining allegations contained in paragraph 6.

7-15. Deny.

16. The averments contained in paragraph 16 are legal conclusions concerning Plaintiff's claims requiring no response by Defendant. To the extent a response is required, denied.

17. Deny.

18. The averments contained in paragraph 18 are legal conclusions concerning Plaintiff's claims requiring no response by Defendant. To the extent a response is required, denied.

19. The averments contained in paragraph 19 are legal conclusions concerning Plaintiff's claims requiring no response by Defendant. To the extent a response is required, denied.

20. The averments contained in paragraph 20 are legal conclusions concerning Plaintiff's claims requiring no response by Defendant. To the extent a response is required, denied.

Plaintiff's Designation of COUNT I – UNREASONABLE SEARCH

AND SEIZURE

21. Defendant incorporates by reference the foregoing paragraphs of his Answer as though fully set forth herein.

22-24. Deny.

Plaintiff's Designation of COUNT II – EXCESSIVE FORCE

25. Defendant incorporates by reference the foregoing paragraphs of his Answer as though fully set forth herein.

26-28. Deny.

Plaintiff's Designation of COUNT III – EQUAL PROTECTION

29. Defendant incorporates by reference the foregoing paragraphs of his Answer as though fully set forth herein.

30-32. Deny.

Deny that Plaintiffs are entitled to any of the relief they request in the paragraph beginning with “WHEREFORE.”

Defendant demands a jury trial on alls issue triable to a jury.

AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred by qualified immunity against defendant in his individual capacity.

2. Plaintiffs' claims are barred by Eleventh Amendment immunity against defendant in his official capacity.

3. The detention of plaintiffs was made in a reasonable manner and for a reasonable amount of time.

4. Plaintiffs failed to state the essential facts necessary to constitute a cause of action for unreasonable search and seizure, excessive force, and equal protection against Defendant and failed to state a claim under the same upon which relief may be granted against him.

5. Plaintiffs failed to mitigate their damages and as a result, any such damage award in this case should be reduced accordingly.

WHEREFORE, based on the foregoing, Defendant Michael Baker respectfully request this action be dismissed against him, and for such other and further relief as this Court deems just and necessary.

Respectfully submitted,

CHRIS KOSTER
Attorney General

/s/ Diane Chirnside

Diane Chirnside,
Missouri Bar No. 54784
Assistant Attorneys General
615 E. 13th Street, Suite 401
Kansas City, Missouri 64106
Phone: 816-889-5000
Facsimile: 816-889-5006
diane.chirnside@ago.mo.gov
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Larry M. Schumaker
10401 Holmes Road, Suite 480
Kansas City, Missouri 64131
Email: lms@schumakercenter.com
Attorney for Plaintiffs

/s/ Diane Chirnside
Assistant Attorney General